

IN	THE	HIGH	COURT	OF	JUDICATURE	AT	BOMBAY
		CIVIL			APPELLATE		SIDE
	LETTERS	PATENT	APPEAL	NO.	219	OF	2001

M/s. Anita Medical System Pvt. Ltd. ... Appellants
Vs.
Dr. Gopal Mahadeo Dhadphale ... Respondents

Mr. R.V. Govilkar for Appellants.

Mr. S.M. Dixit for Respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : AUGUST 25, 2004

P.C. :

1. This was a petition filed by Respondent herein invoking article 227 of the Constitution of India.

Reliefs sought in the petition was as under :

"That	this	Hon'ble	Court	be	pleased	to	issue	a	Writ
of	Certiorari	or	a	writ	in	the	nature	of	Certiorari
and/or	any	other		appropriate			writ,	order	or
direction		in	the	nature	of		Certiorari,	calling	for
the	records		and	proceedings	in	Appeal	No.	33	of
1998	in	R.A.D.	Suit	No.	3604	of	1987	before	the
Court	of	Small	Causes	at	Mumbai,	Bandra		Branch	and
after	going	through	the	same,	quash	and	set		aside
the	Order	dated	4.5.2000	passed	by	the	appeal		Court
in R.A. Appeal No. 33 of 1988 before the Court of									
Small Causes at Mumbai, Bandra Branch."									

2. This Petition came to be disposed of along with some other writ petitions. Writ Petition No. 2254

of 2001 was allowed. That petition is subject matter of the present L.P.A.

3. Considering that the petitioner now respondent herein, had invoked only supervisory jurisdiction under Article 227 of the Constitution of India and even otherwise, as the petition was preferred to challenge the orders of the Subordinate court/tribunal, no L.P.A. would be maintainable.

Considering that L.P.A. rejected.

4. The learned counsel for the appellant seeks stay to the operation of the order. Considering the fact that the appellants are in possession, it will be in the fitness of things that they are not dispossessed at least for the period of eight weeks on the petitioner's filing usual undertaking within two weeks from today. If the undertaking is not filed within two weeks, it will be open to the respondents to execute the order in their favour.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)